

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,) CR 10-07-M-DWM
)
Plaintiff,)
)
vs.) ORDER
)
DAVID JOHN ROBERTS,)
)
Defendant.)
)

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 3, 2010. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

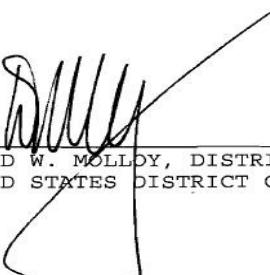
conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept David John Roberts' guilty plea after Roberts appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of possession of firearms and ammunition by a person convicted of a misdemeanor crime of domestic violence in violation of 18 U.S.C. § 922(g)(9) as set forth in the Indictment. Defendant has also agreed to the forfeiture allegation in the Indictment under 18 U.S.C. § 924(d).

I find no clear error in Judge Lynch's Findings and Recommendation (dkt # 28) and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that David John Roberts' motion to change plea (dkt # 22) is GRANTED.

DATED this 27th day of May, 2010.


DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT